

Message Text

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TAGS: UN EGEN UNCTAD

SUBJ: CHARTER OF ECONOMIC RIGHTS AND DUTIES
OF STATES (CERDS)--LEGISLATIVE HISTORY

1. FOL ARE TEXTS OF WEO COSPONSORED AMENDMENTS SUBMITTED
TO G-77 TEXT OF CERDS. SEPTEL DETAILS EXACT COSPONSOR-
SHIP OF EACH AMENDMENT, AND VOTE BY WHICH EACH (AND EVERY)
WEO AMENDMENT WAS REJECTED:

2. UN DOC. #A/C.2/L.1398: PREAMBULAR PARAGRAPH 4--AMEND
AS FOLLOWS: DECLARING THAT IT IS A FUNDAMENTAL PURPOSE OF
THIS CHARTER TO PROMOTE JUST AND EQUITABLE ECONOMIC
RELATIONS AMONG NATIONS; FINAL PREAMBULAR PARAGRAPH, AMEND
AS FOLLOWS: THE GENERAL ASSEMBLY SOLEMNLY ADOPTS THE
PRESENT CHARTER OF ECONOMIC RIGHTS AND DUTIES OF STATES:

3. L. 1399--PREAMBULAR PARAGRAPH 5(C)--AMEND AS FOLLOWS:
(C) THE ENCOURAGEMENT OF COOPERATION, ON THE BASIS OF
MUTUAL ADVANTAGE AND EQUITABLE BENEFITS FOR ALL STATES
CONCERNED, IN THE ECONOMIC, TRADE, SCIENTIFIC AND
TECHNICAL FIELDS, REGARDLESS OF POLITICAL, ECONOMIC
OR SOCIAL SYSTEMS;

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4. L. 1400: PREAMBULAR PARAGRAPH 7--AMEND AS FOLLOWS:

DETERMINED TO PROMOTE COLLECTIVE ECONOMIC SECURITY, WITH FULL RESPECT FOR THE SOVEREIGN EQUALITY OF EACH STATE AND THROUGH THE COOPERATION OF EACH STATE, IN ORDER TO PROVIDE A FAVOURABLE ENVIRONMENT FOR ALL COUNTRIES TO PURSUE THEIR DEVELOPMENT AND WELL-BEING;

5. L. 1401: CHAPTER I--IN THE FIRST SENTENCE, REPLACE "SHALL" BY "SHOULD".

6. L. 1402: CHAPTER I--AMEND AS FOLLOWS: (F) PEACEFUL COOPERATION;

7. L. 1403: CHAPTER I--SUBPARAGRAPH (I) --DELETE.

8. L. 1404: ARTICLE 2--AMEND AS FOLLOWS:

1. EVERY STATE HAS PERMANENT SOVEREIGNTY OVER ITS NATURAL WEALTH AND RESOURCES AND HAS THE INALIENABLE RIGHT FULLY AND FREELY TO DISPOSE OF THEM.

2. EACH STATE HAS THE RIGHT:

(A) TO ENACT LEGISLATION AND PROMULGATE RULES AND REGULATIONS, CONSISTENT WITH ITS DEVELOPMENT OBJECTIVES, TO GOVERN THE ENTRY AND ACTIVITIES WITHIN ITS TERRITORY OF FOREIGN ENTERPRISES;

(B) TO ENTER FREELY INTO UNDERTAKINGS RELATING TO THE IMPORT OF FOREIGN CAPITAL WHICH SHALL BE OBSERVED IN GOOD FAITH;

(C) TO REGULATE AND SUPERVISE THE ACTIVITIES OF TRANSNATIONAL CORPORATIONS WITHIN ITS NATIONAL JURISDICTION AND TAKE MEASURES TO ENSURE THAT SUCH ACTIVITIES COMPLY FULLY WITH ITS LAWS, RULES AND REGULATIONS AND CONFORM WITH THE ECONOMIC AND SOCIAL POLICES. EVERY STATES SHALL ENSURE THAT TRANSNATIONAL CORPORATIONS ENJOY WITHIN ITS NATIONAL JURISDICTION THE SAME RIGHTS AND FULFIL THE SAME OBLIGATIONS AS ANY OTHER FOREIGN PERSON. TRANSNATIONAL CORPORATIONS SHALL NOT INTERVENE IN THE INTERNAL AFFAIRS OF A HOST STATE. EVERY STATE SHOULD, WITH FULL REGARD FOR ITS SOVEREIGN RIGHTS, COOPERATE WITH OTHER STATES IN THE EXERCISE OF THE RIGHT SET FORTH IN THIS SUBPARAGRAPH;

(D) TO NATIONALIZE, EXPROPRIATE OR REQUISITION FOREIGN PROPERTY FOR A PUBLIC PURPOSE, PROVIDED THAT JUST COMPENSATION IN THE LIGHT OF ALL RELEVANT CIRCUMSTANCES SHALL BE PAID;

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(E) TO REQUIRE THAT ITS NATIONAL JURISDICTION BE EXHAUSTED IN ANY CASE WHERE THE TREATMENT OF FOREIGN INVESTMENT OR COMPENSATION THEREFORE IS IN CONTROVERSY, UNLESS OTHERWISE AGREED BY THE PARTIES;

(F) TO SETTLE DISPUTES WHERE SO AGREED BY THE PARTIES CONCERNED THROUGH NEGOTIATION, GOOD OFFICES, INQUIRY, FACT-FINDING, CONCILIATION, MEDIATION, ARBITRATION OR JUDICIAL SETTLEMENT, ON THE BASIS OF THE PRINCIPLES OF SOVEREIGN

EQUALITY OF STATES AND FREE CHOICE OF MEANS.

3. STATES TAKING MEASURES IN THE EXERCISE OF THE FOREGOING RIGHTS SHALL FULFIL IN GOOD FAITH THEIR INTERNATIONAL OBLIGATIONS.

9. L. 1405: ARTICLE 4--AMEND AS FOLLOWS:

EVERY STATE HAS THE RIGHT TO ENGAGE IN INTERNATIONAL TRADE AND OTHER FORMS OF ECONOMIC CO-OPERATION IRRESPECTIVE OF ANY DIFFERENCES IN POLITICAL, ECONOMIC AND SOCIAL SYSTEMS. NO STATE SHALL BE SUBJECTED TO DISCRIMINATION OF ANY KIND BASED SOLELY ON SUCH DIFFERENCES, I.E., STATES IN SIMILAR SITUATIONS SHOULD NOT BE GIVEN DIFFERENT TREATMENT. IN THE PURSUIT OF INTERNATIONAL TRADE AND OTHER FORMS OF ECONOMIC COOPERATION, EVERY STATE IS FREE TO CHOOSE THE FORMS OF ORGANIZATION OF ITS FOREIGN ECONOMIC RELATIONS AND TO ENTER INTO BILATERAL AND MULTILATERAL ARRANGEMENTS CONSISTENT WITH ITS INTERNATIONAL OBLIGATIONS AND WITH THE NEEDS OF INTERNATIONAL ECONOMIC COOPERATION.

ARTICLE 26--AMEND AS FOLLOWS: ALL STATES HAVE THE DUTY TO CO-EXIST IN TOLERANCE AND LIVE TOGETHER IN PEACE, IRRESPECTIVE OF DIFFERENCES IN POLITICAL, ECONOMIC, SOCIAL AND CULTURAL SYSTEMS, AND TO FACILITATE TRADE BETWEEN COUNTRIES HAVING DIFFERENT ECONOMIC AND SOCIAL SYSTEMS. INTERNATIONAL TRADE SHOULD BE CONDUCTED WITHOUT PREJUDICE TO GENERALIZED NON-DISCRIMINATORY AND NON-RECIPROCAL PREFERENCES IN FAVOR OF DEVELOPING COUNTRIES AND ON THE BASIS OF MUTUAL ADVANTAGE AND EQUITABLE BENEFITS. IN THE PURSUIT OF THEIR TRADING RELATIONS STATES MAY, AS A GENERAL RULE, EXCHANGE MOST-FAVORED-NATION TREATMENT THROUGH BILATERAL OR MULTILATERAL ARRANGEMENTS.

10. L. 1406; ARTICLE 5--DELETE THIS ARTICLE.

11. L. 1407; ARTICLE 6--AMEND AS FOLLOWS:

"ALL STATES SHALL BE PREPARED TO STUDY AND NEGOTIATE AS APPROPRIATE WORLD-WIDE COMMODITY AGREEMENTS ON A CASE-BY-CASE BASIS, WHICH SHOULD COVER AS MANY PRODUCERS AND CONSUMERS AS POSSIBLE AND SUBSTANTIAL PART OF THE TRADE INVOLVED. ALL STATES SHOULD ENDEAVOR TO PROMOTE THE REGULAR FLOW OF RAW MATERIAL SUPPLIES, INCLUDING AGRICULTURAL AND INDUSTRIAL RAW MATERIAL SUPPLIES, HAVING REGARD TO THE PARTICULAR ECONOMIC CIRCUMSTANCES OF INDIVIDUAL COUNTRIES, AT STABLE, REMUNERATIVE AND EQUITABLE PRICES, THUS CONTRIBUTING TO THE DEVELOPMENT OF THE WORLD ECONOMY WHILE TAKING INTO ACCOUNT, IN PARTICULAR, THE INTERESTS OF DEVELOPING COUNTRIES."

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BY-CASE BASIS, WHICH SHOULD COVER AS MANY PRODUCERS AND CONSUMERS AS POSSIBLE AND SUBSTANTIAL PART OF THE TRADE INVOLVED. ALL STATES SHOULD ENDEAVOR TO PROMOTE THE REGULAR FLOW OF RAW MATERIAL SUPPLIES, INCLUDING AGRICULTURAL AND INDUSTRIAL RAW MATERIAL SUPPLIES, HAVING REGARD TO THE PARTICULAR ECONOMIC CIRCUMSTANCES OF INDIVIDUAL COUNTRIES, AT STABLE, REMUNERATIVE AND EQUITABLE PRICES, THUS CONTRIBUTING TO THE DEVELOPMENT OF THE WORLD ECONOMY WHILE TAKING INTO ACCOUNT, IN PARTICULAR, THE INTERESTS OF DEVELOPING COUNTRIES."

12. L. 1408: ARTICLE 12(PARA.2)--AMEND AS FOLLOWS:

"2. IN THE CASE OF GROUPINGS TO WHICH THE STATES CONCERNED HAVE TRANSFERRED OR MAY TRANSFER CERTAIN COMPETENCES AS REGARDS MATTERS THAT COME WITHIN THE SCOPE OF THIS CHARTER, ITS PROVISIONS SHALL ALSO APPLY TO THOSE

GROUPINGS IN REGARD TO SUCH MATTERS CONSISTENT WITH THE RESPONSIBILITIES OF SUCH STATES AS MEMBERS OF SUCH GROUPINGS."13. L.

1409: REPLACE ARTICLE 31 WITH THE FOLLOWING

ARTICLE TO APPEAR IMMEDIATELY AFTER ARTICLE 14:

"ALL STATES HAVE THE DUTY TO CONTRIBUTE TO THE BALANCED EXPANSION OF THE WORLD ECONOMY, TAKING INTO ACCOUNT THE INTERRELATIONSHIP BETWEEN THE WELL-BEING AND DEVELOPMENT OF ALL COUNTRIES. CONSEQUENTLY ALL STATES HAVE THE DUTY IN THE CONDUCT OF THEIR MUTUAL ECONOMIC RELATIONS TO TAKE INTO ACCOUNT THE CLOSE RELATIONSHIP AND INTERDEPENDENCE OF THE ECONOMIES OF ALL STATES AND TO MAINTAIN AN APPROPRIATE BALANCE BETWEEN THE INTERESTS OF RAW MATERIAL PRODUCER AND CONSUMER COUNTRIES."

14. L. 1410: ARTICLE 15--DELETE THIS ARTICLE.

15. L. 1411: ARTICLE 16--DELETE THIS ARTICLE.

16. L. 1412: ARTICLE 19--DELETE THIS ARTICLE.

17. L. 1413 ARTICLE 28--DELETE THIS ARTICLE.

18 L. 1414: ARTICLE 30--IN THE FOURTH SENTENCE INSERT AFTER "ALL STATES HAVE..." THE WORDS "IN ACCORDANCE WITH PERTINENT INTERNATIONAL NORMS, REGULATIONS AND OBLIGATIONS".

19 L.1415: ARTICLE 32--IN THIRD LINE REPLACE "OR" BY "AND".

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